

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
)
) CASE NO.: 13-CR-489
)
VS.)
)
AHMED A. ALGAHAIM,)
Defendants.)
_____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE THOMAS J. McAVOY
TUESDAY, JUNE 9, 2015
ALBANY, NEW YORK

FOR THE GOVERNMENT:

Office of the United States Attorney
By: Jeffrey C. Coffman, AUSA
445 Broadway, Room 214
Albany, New York 12207

FOR THE DEFENDANT ALGAHAIM:

Office of the Federal Public Defender
By: Timothy E. Austin, AFD
39 N. Pearl Street, 5th Floor
Albany, New York 12207

THERESA J. CASAL, RPR, CRR, CSR
Federal Official Court Reporter
445 Broadway, Room 509
Albany, New York 12207

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1 THE DEFENDANT: No, I'm sorry.

2 THE COURT: Okay. The Court, of course, has
3 reviewed all the information in the PSIR and has taken a
4 look at the Sentencing Guidelines manual and has considered
5 the factors in the statute, 18 U.S. Code Section 3553(a) in
6 connection with the seriousness of the conduct involved, the
7 deterrent factor, both general and specific, and for reason
8 to protect the public from future conduct of the same kind
9 that was involved here, and as I said with Mr. Murshed, it's
10 particularly disturbing to the Court to find people that
11 come to this country to better themselves and to take
12 advantage of everything that we have here that people in
13 other parts of the world don't and then immediately begin
14 taking advantage of the poor people in our community that
15 are unable to feed themselves with their own income and have
16 to rely on government handouts, such as the program involved
17 here. And I think it's particularly serious that you
18 availed yourself of that type of conduct and harmed those
19 people. And I agree, in part, with what Mr. Austin said, is
20 that those folks, the two of you share part of the blame,
21 and I agree with him that they wanted the money to buy
22 things they couldn't get with the program, EBT cards or any
23 other device that would allow them to transfer the
24 government money to the defendant's account. I think that's
25 something the Court has to consider.

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1 Also, as far as the role is concerned, I, too,
2 think that what you did was exactly the same thing as what
3 the other defendants did, in terms of taking the money in,
4 in the form of card benefits, and then passing cash back
5 with maybe cigarettes or something else, and that in that,
6 your operation was exactly the same as the other three
7 defendants.

8 But I think it's significant to understand that
9 you weren't there the whole time and that your involvement
10 has to be limited by the time in which you were involved in
11 the conspiratorial activity, and the Court intends to do
12 that.

13 The Court finds, after looking at everything that
14 I've mentioned, that the total offense level is a 16,
15 criminal history category is a 1, the guideline range is
16 21 to 27 months.

17 The Court realizes the Guidelines are not
18 mandatory, but are only something to guide the Court in
19 sentencing, as well as all the other factors the Court has
20 to consider.

21 So, upon the finding of guilty on Counts 1 and 4
22 of the superseding indictment, it's the judgment of this
23 Court that you are hereby committed to the custody of the
24 Bureau of Prisons to be imprisoned for a term of 21 months
25 on each count, to run concurrently with each other.

1 CERTIFICATION OF OFFICIAL REPORTER
2
3

4 I, THERESA J. CASAL, RPR, CRR, CSR, Official
5 Realtime Court Reporter, in and for the United States
6 District Court for the Northern District of New York, do
7 hereby certify that pursuant to Section 753, Title 28,
8 United States Code, that the foregoing is a true and correct
9 transcript of the stenographically reported proceedings held
10 in the above-entitled matter and that the transcript page
11 format is in conformance with the regulations of the
12 Judicial Conference of the United States.

13
14 Dated this 14th day of August, 2015.
15

16 /s/ THERESA J. CASAL

17 THERESA J. CASAL, RPR, CRR, CSR

18 FEDERAL OFFICIAL COURT REPORTER
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